

## **REMARKS/ARGUMENTS**

A non-final Office Action was mailed on February 7, 2008. On June 9, 2008, Applicant timely mailed an Amendment in Response to the Office Action of February 7, together with a petition for a one-month extension of time. During the week of September 15, 2008, Applicant discussed the Response of June 9 with the Examiner, who indicated that some concerns had been raised in a review of the claims as amended in the Amendment of June 9 as to whether each of the claims satisfied 35 U.S.C. § 101. In response to these concerns, Applicant further amends the claims as indicated herein. Reconsideration of this application is respectfully requested.

### **I. Status of the Application**

Claims 204 - 206, 208 - 212, 214 - 241, and 243 - 247 are pending, with claims 1 - 203, 207, 213, 215 - 238, 242 and 248 - 253 having been previously canceled. Applicant cancels claims 204 - 206, 208 - 212, and 214 without prejudice or disclaimer, amends claims 239, 244 and 245, and adds new claims 254 - 262. No new matter is introduced.

### **II. Examiner Interview**

Applicant thanks Examiner Morgan for holding telephonic interviews with Applicant's representative during the week of September 15, 2008 and on September 22, 2008 to discuss amendments proposed by Applicant to address the concerns as to 35 U.S.C. § 101. Applicant's present claim amendments substantially reflect Examiner Morgan's feedback with regard to 35 U.S.C. § 101.

### **III. Claim Rejections under 35 U.S.C. §§ 102, 103**

In the Office Action of February 7, the claims were rejected under 35 U.S.C. §§ 102(e), 103(a) as being unpatentable in view of U.S. Patent Publication 2002/0002474 to Michelson et al., “drkoop.com & Quintiles Launches Service to Recruit Clinical Trial Patients on the Internet,” PR Newswire, June 28, 1999 (“Newswire”) and U.S. Patent No. 6,171,112 to Clark (“Clark”).

In the Amendment of June 9, Applicant asserted that the Michelson reference must be disqualified as prior art references in the rejections under 35 U.S.C. §§ 102, 103 as Applicant’s invention as claimed was conceived and reduced to practice before the effective dates of this reference, and asserted that the Newswire references must be disqualified as a prior art reference for the same reason. Applicant’s position in this regard is maintained in view of the present claim amendments and additions.

Applicant therefore submits that pending claims 239 – 241, 243 – 247 and new claims 254 – 262 stand in condition for allowance.

**Conclusion**

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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